

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CLARENCE BEAVER and JOSEPH
STILWELL,

Plaintiffs,

v.

COUNTY OF BUTTE, BUTTE COUNTY
SHERIFF'S OFFICE, SHERIFF KORY
L. HONEA, in his official
capacity, CORRECTIONAL OFFICER
SERGEANT D. MELL, in his
individual capacity,
CORRECTIONAL OFFICERS JOHN DOE
1-10, WELLPATH MEDICAL STAFF
JOHN DOE 1-10 and JANE DOE 1-10,

Defendants.

No. 2:20-cv-00279 WBS DB

ORDER RE: DEFENDANTS' MOTION
TO DISMISS

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Plaintiffs Clarence Beaver and Joseph Stilwell brought
this action against defendants County of Butte ("the County"),
Butte County Sheriff's Office, Sheriff Kory L. Honea, and
Correctional Sergeant David Mell (collectively, "defendants")¹

¹ Defendant Wellpath Medical Staff is not a party to this

1 alleging violation of their Eighth and Fourteenth Amendment
2 rights under 42 U.S.C. § 1983. (See generally Compl. (Docket No.
3 1).) Defendants move to dismiss plaintiffs' complaint under
4 Federal Rule of Civil Procedure 12(b)(6). (Docket No. 5.)

5 The court heard oral arguments on July 13, 2020.
6 (Docket No. 10.) For the reasons discussed at the hearing,
7 defendants' motion to dismiss is GRANTED with leave to amend.
8 Plaintiffs shall have 20 days from the filing of this Order to
9 file an amended complaint consistent with the discussion at oral
10 argument.

11 IT IS SO ORDERED.

12 Dated: July 14, 2020



13 **WILLIAM B. SHUBB**
14 **UNITED STATES DISTRICT JUDGE**

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28 motion. Wellpath answered the complaint on June 19, 2020.
(Docket No. 7.)